

1 DAVID M. MICHAEL, SBN 74031
2 LAW OFFICES OF DAVID M. MICHAEL
3 101 California Street, Suite 2450
4 San Francisco, CA 94111
5 Telephone: (415) 946-8996
6 Facsimile: (877) 538-6220
7 E-mail: dmmp5@aol.com

8 EDWARD M. BURCH, SBN 255470
9 12 Oakwood St. #8
10 San Francisco, CA 94110
11 Telephone: (415) 518-0498
12 Facsimile: (877) 767-3821
13 E-mail: emikeb11@aol.com

14 Attorneys for Claimant
15 FRANK JOSEPH ALIOTO

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY \$61,505.00
IN UNITED STATES CURRENCY,

Defendant.

FRANK JOSEPH ALIOTO,

Claimant.

No. C 07-5413 MMC

**NOTICE OF MOTION AND
MOTION TO SUPPRESS
EVIDENCE**

Date: 25 July 2008

Time: 9:00 a.m.

Dept: Courtroom 7, 19th Floor

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE UNITED STATES
ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA:

1 PLEASE TAKE NOTICE that on the date and at the time indicated above, or as soon
2 thereafter as the matter may be heard, claimant Frank Joseph Alioto, by and through counsel,
3 will and hereby does move this Court for an Order suppressing evidence.
4

5 Pursuant to Rules 12 and 47 of the Federal Rules of Criminal Procedure, claimant
6 moves to suppress any and all evidence seized, along with the fruits thereof, as a result of the
7 warrantless search of his person and luggage, on or about June 30, 2004.

8 The motion to suppress evidence seized pursuant to the warrantless search of the truck
9 is made on the ground that the government will not be able to satisfy its burden of justifying the
10 warrantless search and seizure, thus, it was conducted in violation of Claimant's rights to be free
11 from unreasonable searches and seizures as guaranteed by the Fourth Amendment of the United
12 States Constitution.
13

14 This motion to suppress is based on this notice, the memorandum of points and
15 authorities and declaration filed herewith, on such supplemental points and authorities as may be
16 hereafter filed with this Court or orally presented, on the records and files in this action, and on
17 such oral and documentary evidence as may be presented at the hearing.
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20 Dated: 20 June 2008
21

22 Respectfully submitted,
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25 S/DAVID M. MICHAEL
26 DAVID M. MICHAEL
27 Attorney for Claimant
28 FRANK JOSEPH ALIOTO

CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that, on 20 June 2008, he caused to be electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Susan B. Gray CSB 100374
Office of the U.S. Attorney
450 Golden Gate Avenue
San Francisco CA 94102
Susan.B.Gray@usdoj.gov

S/DAVID M. MICHAEL
DAVID M. MICHAEL